APPENDIX

UNITED STATES COURT OF APPEALS

For the Seventh Circuit
Chicago, Illinois 60604
Thursday, June 8, 1967

Before

Hon. JOHN S. HASTINGS, *Chief Judge*

Hon. LATHAM CASTLE, *Circuit Judge*

Hon. ROGER J. KILEY, *Circuit Judge*

PAUL V. BYRNE, JR.,
Plaintiff-Appellant,

No. 15943 vs.

CHICAGO TITLE AND TRUST COMPANY, etc., etal.,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

It Is Hereby Ordered by the Court that the motion of plaintiff-appellant to reconsider and redetermine defendants-appellees' motion to dismiss this appeal be, and the same is hereby denied.

It Is Further Ordered That the motion of defendants-appellees to strike the aforesaid motion of plaintiff-appellant be, and the same is hereby denied.

(Slip Opinion)

UNITED STATES COURT OF APPEALS

For The Seventh Circuit

SEPTEMBER TERM, 1964 - APRIL SESSION, 1965

No. 14911

PAUL V. BYRNE, JR.,
Plaintiff-Appellant,
v.
JOHN KYSAR, ALFRED L. FEIN, STANLEY J. IMBIORSKI, FRANCIS E. SCHLAX and CHARLES I. BARISH,
Defendants-Appellees.

Appeal from the United States District Court, Northern District of Illinois, Eastern Division.

JUNE 22, 1965

Before CASTLE and KILEY, *Circuit Judges,* and GRANT, *District Judge.*

CASTLE, *Circuit Judge.* Plaintiff-Appellant, Paul V. Byrne, Jr., prosecutes this appeal from an order of the District Court denying his motion for leave to file an amended complaint. * * * The claim was predicated on 42 U.S.C.A. § 1983 * * *

* * * Dr. Kysar acted in his capacity of private physician, although in the employ of an instrumentality of the City of Chicago, and not under color of law within the meaning of § 1983 * * * Defendant Schlax's participation in the proceeding as a private lawyer did not make him a state functionary acting under color of law * * * Barish * * * acted * * * as a private citizen * * *"